

RECEIVED  
CHARLOTTE, N.C.

DEC 01 2009

Clerk, U. S. Dist. Court  
W. Dist. of N. C.

UNITED STATES DISTRICT COURT  
~~WESTERN~~ DISTRICT OF NORTH CAROLINA  
~~WESTERN DIVISION~~  
Charlotte and Asheville Division.

No. \_\_\_\_\_

(Leave this space blank)

1:09cv432

Jonathan Henslee

(Enter full name of each plaintiff(s))

v.

Inmate Number 0722492

(SGT) Albert Todd. (D.H.O.) James Johnson.  
(Nurse) FNU - Robinson. (Appeals officer of D.O.C.) Hattie Pimpong.  
(D-unit manager) Keith Turner. (E-unit manager) Patricia McEntire  
(Enter full name of each defendant(s)) (Superintendent) S.F. D. HARKLER, ROAD.  
All the above are employed at Marion C.F. or D.O.C. of N.C.

\*\*\*\*\*

I. HAVE YOU BEGUN OTHER LAWSUITS IN FEDERAL COURT DEALING WITH  
THE SAME FACTS INVOLVED IN THIS ACTION? Yes ( ) No (X)

~~Void~~ ~~will let federal court know when (if) petition state courts~~

If your answer is Yes, describe the former lawsuit in the space provided below:

~~Void~~ ~~I have not filed this suit as of now. Void as of 11-19-09~~

I filed at the same time, a (State lawsuit)

valid along with the federal lawsuit (1983), concerning  
the same civil violations of cruel and unusual punishment.

~~void~~ ~~(The suit has been delayed as of now)~~

II. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT TO THE  
STATE INMATE GRIEVANCE PROCEDURE? Yes (X) No ( )

If your answer is Yes, what steps did you take? I exhausted all remedies.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
What was the result? (Attach copies of grievances or other supporting documentation.)

The result was Prison officials involved done nothing  
wrong or have not violated any of my rights.  
\_\_\_\_\_

### VERIFIED STATEMENT

I have been advised of the requirements regarding exhaustion of administrative remedies and now submit this verified statement. (Choose the box that applies to your action.)

\_\_\_\_\_ There are no grievance procedures at the correctional facility at which I am being confined.

\_\_\_\_\_ This cause of action arose at \_\_\_\_\_, and I am now being housed at \_\_\_\_\_. Therefore, I do not believe I have administrative remedies relating to this complaint at this time.

☒ I have exhausted my administrative remedies relating to this complaint and have attached copies of my grievances demonstrating completions.

**III. PARTIES —** In Item A below, place your name in the first blank and your present address in the second blank. Do the same for all additional plaintiffs. **NOTE: ALL plaintiffs listed in the caption on the first page should be listed in this section.**

A. Name of plaintiff Jonathan Henslee

Name and address of present confinement facility Marion C.I.

P.O. Box 2405 Marion, N.C. 28752.

Name of plaintiff \_\_\_\_\_

Name and address of present confinement facility \_\_\_\_\_  
\_\_\_\_\_

In Item B below, place the full name of defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item C through F for any additional defendants. NOTE: ALL defendants listed in the caption on the first page should be listed in this section.

B. Defendant Albert Todd  
Position Sargeant.  
Employed at marion correctional Institution.  
Address P.O. Box 2405 Marion, N.C. 28752.  
Capacity in which defendant is being sued: Individual ( ) Official ( ) Both (✓)

C. Defendant (FNU) ms. Robinson  
Position Nurse - 3rd shift.  
Employed at marion correctional Institution.  
Address P.O. Box 2405 marion, N.C. 28752.  
Capacity in which defendant is being sued: Individual ( ) Official ( ) Both (✓)

D. Defendant Keith Turner  
Position unit manager of D-unit.  
Employed at marion correctional Institution.  
Address P.O. Box 2405 marion, N.C. 28752.  
Capacity in which defendant is being sued: Individual ( ) Official ( ) Both (✓)

E. Defendant Jame Johnson  
Position Disciplinary hearing officer.  
Employed at marion correctional Institution.  
Address P.O. Box 2405 marion, N.C. 28752.  
Capacity in which defendant is being sued: Individual ( ) Official ( ) Both (✓)

F. Defendant: SID Harkleroad.  
Position: Superintendent.  
Employed at: marion C.I.  
Address: P.O. Box 2405 marion, N.C. 28752.  
Individual = ( )  
Official = ( )  
Both = (✓)

G. Defendant: Patricia McEntire.  
Position: unit manager of E unit.  
Employed: marion correctional Institution.  
Address: P.O. Box 2405 Marion, N.C. 28752.

H. Defendant Hattie Pimpong  
Position Disciplinary Appeals officer of N.C. D.O.C.  
Employed at N.C. D.O.C.  
N.C. Department of corrections.  
Address 214 West Jones St. MSC 4201 Raleigh, N.C. 27699-4201

Capacity in which defendant is being sued: Individual ( ) Official ( ) Both (X)

IV. STATEMENT OF CLAIM — State here as briefly as possible the *FACTS* of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. **DO NOT GIVE ANY LEGAL CITATIONS OR ANY LEGAL ARGUMENTS OR CITE ANY STATUTES.** If you wish to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as needed. Attach extra sheets if necessary.

I was punished due to my Physical disability,  
because I could not "work" at the time I  
was asked to work "due to Severe Back pain"  
on 8-14-09 & 8-15-09. Since I could not work  
because of severe Back pain I was sentenced to  
60 day Solitary confinement. Nurse Fnu Robinson  
stated to SGT Albert Todd and the Investigation  
officer for my two "disobeying" infractions that she  
looked over my medical chart and theres no  
records of back problems, and sees no reason  
I can't work, by me having my own medical  
records I showed all defendants copies showing  
I have a Physical disability of Scoliosis which  
causes back pain, all defendants disregarded  
evidence contradicting nurse Fnu Robinsons statement.

All listed defendant "Directly" violated my rights from cruel and unusual punishment. once all listed defendants ~~are~~<sup>where</sup> told that "Jonathan Henslee" could not conduct any work duties on 8-14-09 and 8-15-09 due to "Severe Back pain" which Inmate Henslee, shared his N.C. D.O.C. medical documents to show his medical condition is real and does exist, In which all defendants disregarded the documentary evidence presented and instead relied upon one nurses statment who works 3rd shift and purportedly looked over my medical chart within 2 to 3 minutes time. Which Plaintiff's medical chart 100% easily contradicts Nurse Fnu Robinsons statment. Which "Defendants disregarded" due to defendants recklessness, Plaintiff served 60 days in solitary confinement because on 8-14-09 and 8-15-09 Plaintiff Jonathan Henslee could not perform extra duty, ordered by SGT Albert Todd, due because at this specific times he was experiencing Severe Back pain, In which is even stated in the disciplinary report. Providing punishment to any Inmate because he/she can not perform a duty because of any physical pain, Is unjust, extreme, and cruel. Defendants claim because I did not have any medical restrictions, I am guilty of disobeying a lawful order? Is ordering a Inmate that is suffering physical pain a lawful order?



Further, I was denied "needed" medical care, Nurse FNU Robinson was called due to Inmate Jonathan Henslee declared a medical emergency around 11:45 pm on 8-14-09, Nurse FNU Robinson related to SGT Albert Todd theres nothing in my medical chart to support my claim concerning my medical condition that causes Backpain, She refused to provide me with Temporary "medical restriction" until Back pain eased. This choice and her statment resulted in 60 days solitary confinement.

\*Plaintiff, Petitioned and tried to reason with various defendants which was downplayed,

Plaintiff also points out that they where 3 pending sickcalls concerning plaintiffs reaccuring Backpain on 8-14-09 and 8-15-09.

There is plenty of documents along with this complaint show "evidence" in support of plaintiffs claims.

Plaintiff, charges mr James Johnson Disciplinary hearing officer at marion C.I. and ms Hattie pimpong Appeals disciplinary hearing officer for N.C. D.O.C. for violations of Due process rights protected under the 14<sup>th</sup> Amendment.

In which Mr James Johnson at the disciplinary hearing, refused to allow myself to provide medical documents that Nurse FNU Robinson stated did not exist, which would have contradicted her statement(s) and enough evidence presented to dismiss both infractions. Mr James Johnson refused to allow me to present these documents, because he states he's not allowed to know about my medical records, Plaintiff then countered and told Mr James Johnson with consent you are allowed to hear and see my medical documents which at this specific time Mr Johnson stated he not hearing it anymore and he is going off of statements which is enough, Then found me guilty of disobeying. (Full disciplinary report is enclosed).

I appealed the disciplinary findings to \_\_\_\_\_ Ms Hattie Pimpong who is the Appeals officer of N.C. D.O.C. I sent Ms Pimpong enough medical documents to contradict Nurse FNU Robinson statement, Ms Pimpong disregarded the documentary evidence and stated its a medical issue, and forwarded my petition to \_\_\_\_\_ Dr Paula Smith, Director of Health services, to review and respond concerning medical issues, (The letter is enclosed).

To refute documentary evidence that contradicts a vital statement provided by Nurse FNU Robinson, is frivolous and violates Due process rights.

Plaintiff, again sets out that all named - Defendants is charged in conducted cruel and unusual punishments practices.

Plaintiff, sets out that only Mr James - Johnson and Ms Hattie pimpan are in violation of plaintiffs Due process rights.

Dated: 11-19-09

Jonathon Hendon.  
Current: P.O. Box 2405  
Marion, N.C. 28752.



V. **RELIEF SOUGHT BY PRISONER** — State briefly exactly what you want the Court to do for you. **MAKE NO LEGAL ARGUMENTS. DO NOT CITE CASES OR STATUTES.**

1. \$6,000 from each defendant.
2. declaratory Judgment.
3. Permanent Injunction, of stating prison officials cannot punish inmates for their physical disability that prohibits them from working at times.

Signed this 19<sup>th</sup> day of November, 2009.

Jonathan Z. Henkel  
Signature of Plaintiff

\_\_\_\_\_  
Signature of Other Plaintiff (if necessary)

**I declare under penalty of perjury that the foregoing is true and correct.**

11-19-2009  
Date

Jonathan Henkel  
Signature of Plaintiff

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Other Plaintiff (if necessary)